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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Ace Bedbug Exterminating NYC, LLC

Plaintiff,

v.

Balseca et al

Defendant.

Civil Action No. 2:25-cv-01589-JXN-JRA

Jury Trial Demanded

ANSWER

Defendants Luis Balseca and All Clear Bedbug Removal LLC (“All Clear”) (both collectively, “Defendants”) by and through its undersigned attorneys, Jayakumar Law, hereby submits its answer to the Complaint of Ace Bedbug Exterminating NYC, LLC (“Ace” or “Plaintiff”) as follows:

Any allegations stated in the Complaint which are not explicitly admitted to herein should be deemed categorically denied.

PRELIMINARY STATEMENT

1. Paragraph 1 of the Complaint makes no allegations and thus needs no response; to the extent a response is required, Defendants deny.
2. Defendants deny the allegations contained in paragraph 2 of the Complaint.
3. Defendants deny the allegations contained in paragraph 3 of the Complaint.

PARTIES

4. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Complaint and on that basis deny them.

5. Defendants admit the allegations contained in paragraph 5 of the Complaint.

6. Defendants admit the information contained in paragraph 6 of the Complaint.

JURISDICTION AND VENUE

7. Defendants deny the allegations contained in paragraph 7 of the Complaint, except admits that the Court has original subject matter jurisdiction over claims asserted under the Lanham Act, 15 U.S.C. §§ 1051 et seq., pursuant to 15 U.S.C. § 1121.

8. Defendants admit the allegations contained in paragraph 8 of the Complaint.

9. Defendants admit that the Court has personal jurisdiction over the Defendants.

10. Defendants admit that venue is proper.

FACTUAL BACKGROUND

11. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 of the Complaint and on that basis deny them.

12. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Complaint and on that basis deny them.

13. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 of the Complaint and on that basis deny them.

14. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 of the Complaint and on that basis deny them.

15. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 of the Complaint and on that basis deny them.

16. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 of the Complaint and on that basis deny them.

17. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17 of the Complaint and on that basis deny them.

18. Defendant denies the allegations contained in paragraph 18 of the Complaint, except admits that Mr. Pantaleon worked for Mr. Balseca's extermination business.

Defendants' Defamatory Reviews

19. Defendants deny the allegations contained in paragraph 19 of the Complaint.

20. Defendants deny the allegations contained in paragraph 20 of the Complaint.

21. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21 of the Complaint and on that basis deny them.

22. Defendants' deny the allegations contained in paragraph 22 of the Complaint.

23. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 of the Complaint and on that basis deny them.

24. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24 of the Complaint and on that basis deny them.

25. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 of the Complaint and on that basis deny them.

26. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 26 of the Complaint and on that basis deny them.

27. Defendants deny the allegations contained in paragraph 27 of the Complaint.

28. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28 of the Complaint and on that basis deny them.

29. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29 of the Complaint and on that basis deny them.

30. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 30 of the Complaint and on that basis deny them.

31. Defendants deny the allegations contained in paragraph 31 of the Complaint.

32. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32 of the Complaint and on that basis deny them.

33. Defendants deny the allegations contained in paragraph 33 of the Complaint.

34. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 34 of the Complaint and on that basis deny them.

35. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 35 of the Complaint and on that basis deny them.

36. Defendants deny the allegations contained in paragraph 36 of the Complaint.

37. Defendants deny the allegations contained in paragraph 37 of the Complaint.

38. Defendants deny the allegations contained in paragraph 38 of the Complaint.

39. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 39 of the Complaint and on that basis deny them.

40. Defendants deny the allegations contained in paragraph 40 of the Complaint.

41. Defendants deny the allegations contained in paragraph 41 of the Complaint.

42. Defendants deny the allegations contained in paragraph 42 of the Complaint.

43. Defendants deny the allegations contained in paragraph 43 of the Complaint.

44. Defendants deny the allegations contained in paragraph 44 of the Complaint.

Defendants' Defamatory Statements to Customers

45. Defendants deny the allegations contained in paragraph 45 of the Complaint.

46. Defendants deny the allegations contained in paragraph 46 of the Complaint except admit that Mr. Balseca spoke with Nahia Rahman.

47. Defendants deny the allegations contained in paragraph 47 of the Complaint, except admit that Mr. Balseca discouraged Ms. Rahman from using Ace's services because of the business practices of the owner of Ace, Mr. Pantaleon.

48. Defendants deny the allegations contained in paragraph 48 of the Complaint, except admit that Mr. Balseca informed Ms. Rahman that Mr. Pantaleon cannot complete jobs properly, that Mr. Pantaleon left an elderly client with bedbugs when he resigned from Mr. Balseca's company, and that Mr. Pantaleon stole proprietary ideas from Mr. Balseca's company.

49. Defendants deny the allegations contained in paragraph 49 of the Complaint.

50. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 50 of the Complaint and on that basis deny them.

51. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 51 of the Complaint and on that basis deny them.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 52 of the Complaint and on that basis deny them.

53. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 53 of the Complaint and on that basis deny them.

54. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 54 of the Complaint and on that basis deny them.

55. Defendants deny the allegations contained in paragraph 55 of the Complaint.

56. Defendants deny the allegations contained in paragraph 56 of the Complaint.

57. Defendants deny the allegations contained in paragraph 57 of the Complaint.

58. Defendants deny the allegations contained in paragraph 58 of the Complaint.

59. Defendants deny the allegations contained in paragraph 59 of the Complaint.

60. Defendants deny the allegations contained in paragraph 60 of the Complaint.

61. Defendants deny the allegations contained in paragraph 61 of the Complaint.

FIRST CAUSE OF ACTION
(Unfair Competition, False Designation of Origin & False Description,
15 U.S.C. § 1125(a))

62. Defendants repeat and reincorporated by reference their denials and admissions contained in the preceding paragraphs, as though set forth fully herein.

63. Defendants deny the allegations contained in paragraph 63 of the Complaint.

64. Defendants deny the allegations contained in paragraph 64 of the Complaint.

65. Defendants deny the allegations contained in paragraph 65 of the Complaint.

66. Defendants deny the allegations contained in paragraph 66 of the Complaint.

67. Defendants deny the allegations contained in paragraph 67 of the Complaint.

68. Paragraph 68 states no allegations and thus needs no response; to the extent a response is necessary, Defendants deny.

69. Paragraph 69 of the Complaint states a legal conclusion and a request for relief and thus needs no response; to the extent a response is necessary, Defendants deny.

SECOND CAUSE OF ACTION
(Common Law Unfair Competition)

70. Defendants repeat and reincorporated by reference their denials and admissions contained in the preceding paragraphs, as though set forth fully herein.

71. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 71 of the Complaint and on that basis deny them.

72. Defendants deny the allegations contained in paragraph 72 of the Complaint.

73. Defendants deny the allegations contained in paragraph 73 of the Complaint.

74. Defendants deny the allegations contained in paragraph 74 of the Complaint.

75. Defendants deny the allegations contained in paragraph 75 of the Complaint.

76. Defendants deny the allegations contained in paragraph 76 of the Complaint.

77. Paragraph 77 states no allegations and thus needs no response; to the extent a response is necessary, Defendants deny.

78. Paragraph 78 of the Complaint states a legal conclusion and a request for relief and thus needs no response; to the extent a response is necessary Defendants deny.

79. Paragraph 79 of the Complaint states a request for relief and thus needs no response; to the extent a response is necessary, Defendants deny.

THIRD CAUSE OF ACTION
(Defamation *Per Se*)

80. Defendants repeat and reincorporated by reference their denials and admissions contained in the preceding paragraphs, as though set forth fully herein.

81. Defendants deny the allegations contained in paragraph 81 of the Complaint.

82. Defendants deny the allegations contained in paragraph 82 of the Complaint.

83. Defendants deny the allegations contained in paragraph 83 of the Complaint.

84. Defendants deny the allegations contained in paragraph 84 of the Complaint.

85. Defendants deny the allegations contained in paragraph 85 of the Complaint.

86. Defendants deny the allegations contained in paragraph 86 of the Complaint.

87. Defendants deny the allegations contained in paragraph 87 of the Complaint.

88. Paragraph 88 of the Complaint states a request for relief and thus needs no response; to the extent a response is necessary Defendants deny.

89. Paragraph 89 of the Complaint states a request for relief and thus needs no response; to the extent a response is necessary, Defendants deny.

THIRD CAUSE OF ACTION
(Defamation *Per Se*)

90. Defendants repeat and reincorporated by reference their denials and admissions contained in the preceding paragraphs, as though set forth fully herein.

91. Defendants deny the allegations contained in paragraph 91 of the Complaint.

92. Defendants deny the allegations contained in paragraph 92 of the Complaint.

93. Defendants deny the allegations contained in paragraph 93 of the Complaint.

94. Defendants deny the allegations contained in paragraph 94 of the Complaint.

95. Paragraph 95 states no allegations and thus needs no response; to the extent a response is necessary, Defendants deny.

96. Paragraph 96 of the Complaint states a legal conclusion and a request for relief and thus needs no response; to the extent a response is necessary Defendants deny.

97. Paragraph 97 of the Complaint states a request for relief and thus needs no response; to the extent a response is necessary, Defendants deny.

PRAYER FOR RELIEF

Defendants states that the allegations contained in the Prayer for Relief of the Complaint set forth legal conclusions to which no response is required. To the extent a response is required, Defendants denies the allegations in the Prayer for Relief of the Complaint and further denies that Plaintiff is entitled to any of the relief requested herein.

AFFIRMATIVE DEFENSES

1. **First Affirmative Defense** - The Complaint fails to allege facts sufficient to state a claim upon which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(6), including, but not

limited to, failure to meet the standard of pleading set by the Supreme Court in *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955 (2007).

RESERVATION OF RIGHTS TO PLEAD ADDITIONAL DEFENSES AND/OR COUNTERCLAIMS

Defendants reserve the right to amend their Answer to the Complaint to assert additional Affirmative Defenses and/or to assert Counterclaims. All possible affirmative defenses and counterclaims may not have been alleged here insofar as sufficient facts were not available, after reasonable inquiry, upon the filing of Defendants' Answer to the Complaint. Defendants may later amend their Answer to raise additional affirmative defenses and/or counterclaims, if warranted by subsequent investigation. By providing this Answer, Defendants does not waive or relinquish any present or potential affirmative defense and/or counterclaims.

DEMAND FOR JURY

Defendants hereby demand a trial by jury.

Dated: New York, NY
[DATE]

Respectfully submitted,

JAYAKUMAR LAW

/s/ Arvind Jayakumar
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Counsel for Defendant

Certificate of Service

A copy of the foregoing was served upon counsel for Plaintiff via Electronic Case Filing (CM/ECF).

Dated: New York, NY
[DATE]

Respectfully submitted,

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